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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,696

04/21/2006

Pierre Messiqua

90500-000084/US

1966

30593

7590

04/30/2008

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EXAMINER

FRANKS, RYAN J

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

04/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/576,696	Applicant(s) MESSIQUA ET AL.	
	Examiner RYAN J. FRANKS	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 8-14 is/are rejected.
- 7) ☒ Claim(s) 3,6,7 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/21/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

In [0020], the phrase "This connection bars' fastening" should be changed to "The connection bars' fastening".

Appropriate correction is required.

Claim Objections

2. Claims 1, 2, 3, and 11 are objected to because of the following informalities:

In line 2 of claim 1, "the vertical stiffeners" should be changed to simply "vertical stiffeners". Though clear what is intended, the inclusion of the word "the" presents the phrase with a lack of antecedent basis.

In line 3 of claim 2, the word "that" should be deleted for grammatical reasons.

In line 3 of claim 2, "connections" should be changed to "connection".

In line 2 of claim 3, there is a lack of antecedent basis for "the fronting wall". As best understood, this is intended to mean "the other formwork wall".

In line 2 of claim 11, examiner believes that both recitations of "bars section" should be changed to "bar sections".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, it is not clear what "stress requirements" the wall built with the framework must meet.

In claim 14, it is not clear what is meant by "means of a fastening device as hooks or fasteners". This is further confusing in light of the dependence of claim 14 on claim 13, which claims the framework as "floating type".

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 2, 4, 5, and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chagnon (US Patent 5,323,578) in view of Miller (US Patent 5,140,794).

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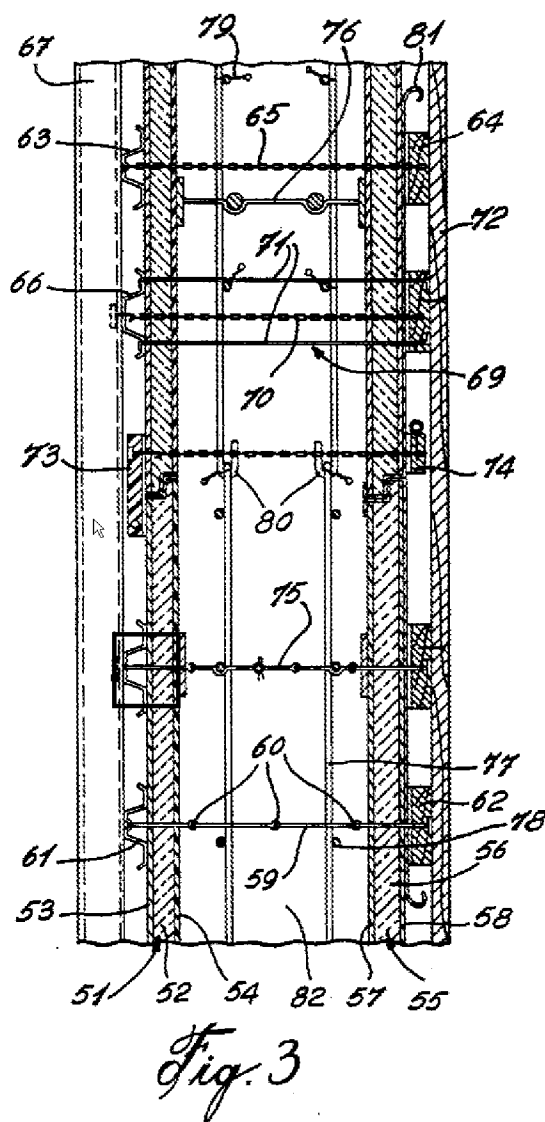


Fig. 3 from Chagnon

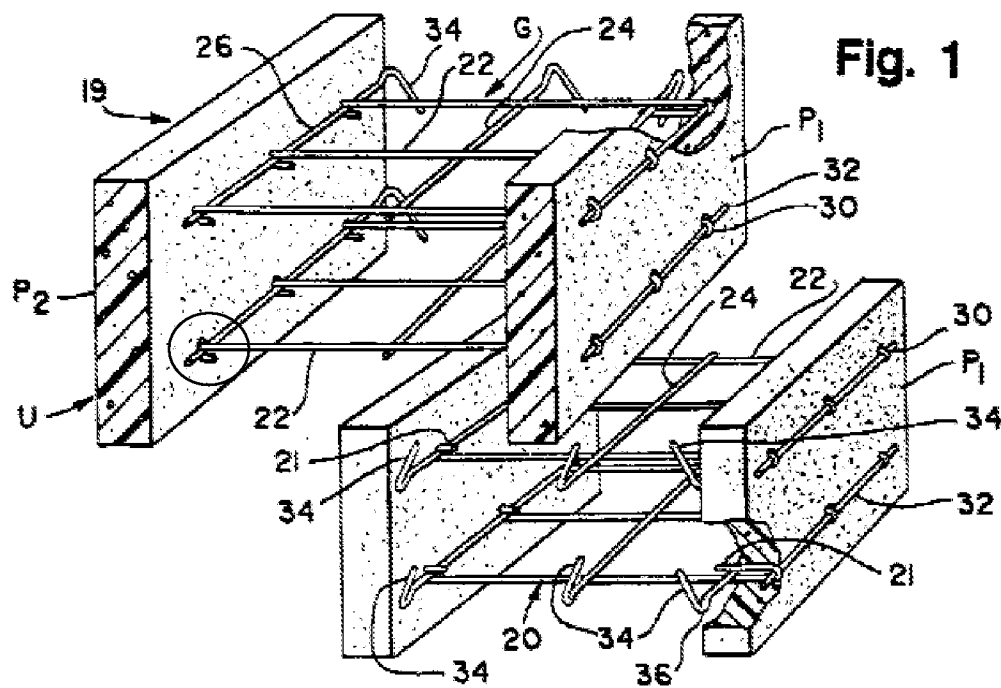


Fig. 1 from Miller

Regarding claim 1, Chagnon discloses a “Formwork for concrete wall (Fig. 3 in general) including two parallel formwork walls placed facing each other (Fig. 3, elements 67 and 72) provided with shaped bars forming vertical stiffeners (Fig. 3, element 66) and connected by at least one articulated connection (Fig. 3, element 76; Fig. 21, elements 227 and 228; Fig. 21A, elements 227 and 228) device allowing the formwork walls to be maintained either at a distance defining a space to receive a filler such as concrete, or folded for storage and transport (column 6, lines 49-54)”, but lacks that “the connection device includes a rectilinear horizontal first bar parallel to the first formwork wall and passing through the stiffeners of [the] first wall, a second

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rectilinear horizontal bar parallel to the second formwork wall and passing through the stiffeners of [the] second wall, [the] second bar being situated facing the first bar, and a plurality of connection bars linking perpendicularly the two horizontal bars, [the] connection bars being articulated around [the] horizontal bars.”

Miller teaches a connection device in a concrete formwork having horizontal bars on first and second formworks (Fig. 1, elements 26) with connection bars (Fig. 1, element 22) linking and articulated about the horizontal bars (Fig. 1, circled area).

The use of horizontal bars strengthens and reinforces the formwork.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Chagnon with horizontal bars similar to Miller passing through the stiffeners in order to strengthen and reinforce the formwork.

Regarding claim 2, Chagnon in view of Miller discloses that "the stiffeners of the formwork walls facing each other are generally U-shaped and are placed opposite each other and the connection bars are placed between the lateral sides of the U-shaped sections of two stiffeners which are opposed and articulated around the horizontal bar part situated between these sides.” The stiffeners are shown to be U-shaped in an embodiment at Fig. 3, element 66 of Chagnon. These elements are placed opposite each other and the connection bar 75 is shown to be between the later sides of the U-shaped stiffeners (boxed area). Miller modifies Chagnon as described above with horizontal bars which have connection bars articulated about them (Miller, Fig. 1, circled area).

Regarding claim 4, Chagnon in view of Miller discloses that “the stiffeners of the formwork walls are spaced at approximately regular intervals on the length of the formwork walls.” At Fig. 3 of Chagnon, stiffeners near numerals 61/63/66 can be seen to be evenly spaced.

Regarding claim 5, Chagnon in view of Miller discloses that “the horizontal bars are spaced at approximately regular intervals on the height of the formwork walls.” At Fig. 1 of Miller (a vertical cross section), horizontal bars 26 are placed at regular intervals. The interval between upper and lower rods 26 on P1 is the same as on P2.

Regarding claim 8, Chagnon in view of Miller discloses that “the connection bars include curved ends which roll-up around the horizontal bars (Miller Fig. 1, circled area).”

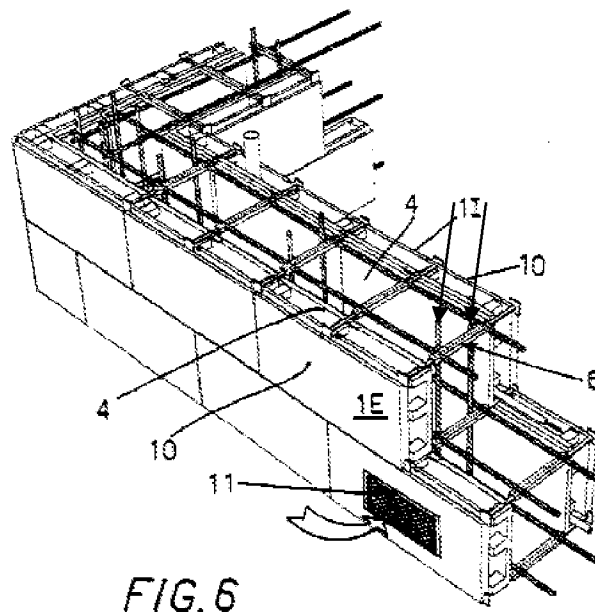
Regarding claim 9, Chagnon in view of Miller discloses that “at least one of the ends of the connection bars is rolled-up around the horizontal bar part which is between the lateral sides of the U formed by the stiffeners of one of the formwork walls.” Miller modifies Chagnon with horizontal bars which include connection bars which are rolled-up around the horizontal bars (Miller Fig. 1, circled area). The connection bars in Chagnon are located between the lateral sides of a U-shaped stiffener (Fig. 3, boxed area). Thus, Chagnon in view of Miller discloses the connection bars rolled up around horizontal bars between lateral sides of U-shaped stiffeners as Miller provides horizontal

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bars and the connection to perpendicular connecting bars but does not change the location of the connecting bars in Chagnon.

Regarding claim 10, Chagnon in view of Miller discloses that "the connection bars are positioned at approximately regular intervals in the length direction as well as in the height direction of the formwork walls." At Fig. 3 (a vertical cross section) of Chagnon, the connection bars of which element 75 is exemplary are spaced at regular height intervals. In column 2, lines 41-42 of Chagnon, the connection of several forms or modules together end to end is given. This connection of multiple identical forms has regular spacing of connection bars in the length direction.

Regarding claim 11, Chagnon in view of Miller discloses that "the size of the stiffeners, the horizontal bar section[s], and/or the connection bar section[s] is adapted according to the stress resistance requirements that the wall built with [the] formwork must meet." It would have been obvious to one of ordinary skill in the art at the time the invention was made to built the wall to meet set requirements by using appropriately sized elements since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. (See MPEP 2144.05)



7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chagnon (US Patent 5,323,578) in view of Miller (US Patent 5,140,794) in further view of Trovato (US Patent 6,231,498).

Regarding claim 12, Chagnon in view of Miller discloses an apparatus as described previously, but lacks "a formwork disposed in the spaces delimited by the connections bars and the formwork walls."

Trovato teaches that it is known in the art to use a framework disposed between formwork walls including "at least two vertical bars having the height approximately equal to the height of the formwork and a plurality of horizontal bars linking the two vertical bars." At Fig. 6 of Trovato there is a framework within a concrete form having at

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lease two vertical bars (shown at arrows) which are approximately equal in height to the form, which are linked via horizontal bars 6.

The use of a framework has provides reinforcement to the concrete form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Chagnon in view of Miller by using a framework similar to that of Trovato in order to reinforce the concrete form.

Regarding claim 13, Chagnon in view of Miller in further view of Trovato discloses that “the framework which is of floating type, is situated in a central zone of the space it occupies between the formwork walls and the connection bars.” At Fig. 6 of Trovato, the framework is located centrally horizontally between the sides of the form and vertically as it is largely contained within the height limitation of the form. The framework is of a floating type in that it is not set in concrete nor connected to means outside the form walls.

Regarding claim 14, as best understood, Chagnon in view of Miller in further view of Trovato discloses that the framework is supported on the connection bars of the last connection device of the upper part of the framework. The framework of Trovato is held up on horizontal bar 6 which is in similar arrangement to connecting bar 75 in Chagnon or rod 22 in Miller. Chagnon in view of Miller modified with the framework of Trovato is in contact with connecting rods perpendicular to walls.

Allowable Subject Matter

8. Claims 3, 6, 7, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. FRANKS whose telephone number is (571) 270-3743. The examiner can normally be reached on Mon.-Thurs., 8:30-7:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner, Art Unit 3633

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